

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

CLYDE JOE PARKER III #1154103                   §  
v.   §       CIVIL ACTION NO. 9:08cv16  
WARDEN CURRIE, ET AL.                       §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Clyde Joe Parker III, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

In his complaint and testimony at an evidentiary hearing, Parker complained that the Defendants were deliberately indifferent to his safety. The Magistrate Judge carefully reviewed Parker's complaint and testimony, and issued a Report on June 30, 2006, recommending that the lawsuit be dismissed as frivolous. Parker filed objections to this Report on August 20, 2008.

In his objections, Parker reiterates his allegations and argues that these show that the Defendants were deliberately indifferent. As the Magistrate Judge correctly concluded, however, the Fifth Circuit has held that deliberate indifference is "an extremely high standard to meet" and that Parker's allegations do not rise to the level of deliberate indifference. Parker's objections are without merit.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the Plaintiff's original complaint and testimony, the Report of the Magistrate Judge, the Plaintiff's objections thereto, and all other pleadings, documents, and records in the case. Upon such *de novo*

review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous. 28 U.S.C. §1915A. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So **ORDERED** and **SIGNED** this **29** day of **August, 2008**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge